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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,058	07/30/2003	Warren E. Guthrie	LEAR 04013 PUS / 04013	8189

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EXAMINER	
TRAN, TUAN A	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,058	GUTHRIE ET AL.	
	Examiner	Art Unit	
	Tuan A. Tran	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,10-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,10-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, 10-11, 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema et al. (5,854,593).

Regarding claims 1-2, Dykema discloses a vehicle-based control system (See fig. 1) for use with a barrier operating system comprising a motor 66 for opening and closing a barrier, a receiver in communication with the motor 66, and a remote transmitter 65 for transmitting an activation signal, the activation signal comprising a radio frequency carrier signal with a code word, the activation signal for receipt by the receiver for use in activating the motor to open and close the barrier (See col. 5 lines 25-49), the control system comprising: a transceiver 58 to be mounted in a vehicle and configured to receive a plurality of radio frequency carrier signals and transmit an activation signal for receipt by the barrier operating system receiver 66; a controller 57 to be mounted in a vehicle in communication with the transceiver 58 and a user input device 44, 46, 47, the controller 57 configured to store the plurality of received radio frequency carrier signals in a digital radio frequency memory, receive user input identifying an activation scheme having at least a variable code word format associated

therewith (See fig. 8A and col. 13 lines 52-65), and in response to user input, generate a variable code word based on the identified activation scheme, select one of the plurality of stored radio frequency carrier signals from the digital radio frequency memory based on the identified activation scheme and transfer the selected radio frequency carrier signal to the transceiver, and control the transceiver to transmit an activation signal comprising the selected radio frequency carrier signal modulated with the generated variable code word (See fig. 8A and col. 15 lines 23-51, col. 5 line 51 to col. 6 line 27), wherein the transceiver 58 is further configured to receive an activation signal from the barrier operating system transmitter 65 wherein the code word of the received activation signal is fixed, and the controller 57 is further configured to store the fixed code word of the received activation signal, sample the carrier signal of the received activation signal, and control the transceiver 58 to transmit an activation signal comprising the sampled carrier signal modulated with the stored fixed code word in response to user input (See figs. 6A, 8A, col. 11 lines 15-24, col. 13 line 52 to col. 14 line 5, col. 15 lines 23-51, col. 17 line 51 to col. 18 line 65).

Claim 10 is rejected for the same reasons as set forth in claim 2.

Claims 13-15 and 17-18 are rejected for the same reasons as set forth in claims 1-2, as method.

Regarding claim 3, Dykema discloses as cited in claim 1. Dykema further discloses the controller 57 is further configured to receive an indication whether the activation signal transmitted by the transceiver 58 successfully operated the barrier operating system (See col. 6 lines 45-59).

Claim 16 is rejected for the same reasons as set forth in claim 3, as method.

Regarding claim 4, Dykema discloses as cited in claim 1. Dykema further discloses the plurality of radio frequency carrier signals are received by the transceiver 58 and stored by the controller 57 in the digital radio frequency memory in a system set-up mode (See col. 6 lines 14-27).

Regarding claim 5, Dykema discloses as cited in claim 1. Dykema further discloses the user input device 44, 46, 47 comprises at least one button (See col. 5 lines 25-27).

Claim 11 is rejected for the same reasons as set forth in claim 5.

Regarding claim 8, Dykema discloses as cited in claim 1. Dykema further discloses the controller 57 comprises a digital radio frequency memory for use in storing the plurality of received radio frequency carrier signals and for use in sampling the carrier signal of the received activation signal (See col. 6 lines 14-19, col. 7 lines 10-15, col. 17 line 51 to col. 18 line 14).

Claim 20 are rejected for the same reasons as set forth in claim 8, as method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. (5,854,593).

Regarding claim 6, Dykema discloses as cited in claim 1. However, Dykema does not mention that the user input device is a touch-screen display. Since the touch-screen display is widely known in the art as a specific type of input devices; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch-screen display as a user input device for the advantage of expanding the capability of the system to various types of input devices.

Claim 12 is rejected for the same reasons as set forth in claim 6.

Response to Arguments

Applicant's arguments filed 06/23/2006 have been fully considered but they are not persuasive.

The Applicant argued that Dykema does not teach or suggest storing RF carrier signals in a digital radio frequency memory (See Remark, page 11, 13-14). The Examiner respectfully disagrees with the Applicant's argument because Dykema does disclose the RF carrier signals being down-converted, sampled (digitized) and stored in the memory (See col. 17 line 51 to col. 18 line 5).

The Applicant argued that Dykema does not teach or suggest a controller receiving user input identifying an activation scheme having a variable codeword format associated therewith and generating a variable codeword based on the activation scheme identified by the user input (See Remark, page 11 last paragraph to page 12 second paragraph). The Examiner respectfully disagrees with the Applicant arguments

because Dykema does suggest a controller, upon detecting that one of switches 44, 46 and 47 has been depressed (receiving user input or user activation), reads the channel corresponding with the switch that has been pressed (selected channel corresponding to the user's activation) (See fig. 8A and col. 13 lines 52-65) and determines the code for the selected channel is a fixed code or variable code if the selected channel has been previously trained during the training sequence and the data associated with the code such as cryptographic algorithm, cryptographic key that have been stored (identifying an activation scheme having a variable code format associated therewith), and if the code is variable, the controller reads the data and generates the variable code to be transmitted to the receiver of the garage door (generating a variable code based on the user input) (See fig. 8A and col. 15 lines 23-51).

The Applicant argued that Dykema does not teach or suggest selecting one of a plurality of stored RF carrier signals from the digital radio frequency memory based on the activation scheme identified from the user input to transfer to the transceiver for the transceiver to transmit an activation comprising the selected RF carrier signal modulated with a variable or fixed codeword (See Remark, page 12 last paragraph, page 13 last paragraph). The Examiner respectfully disagrees with the Applicant's argument because Dykema does suggest a controller, upon detecting that one of switches 44, 46 and 47 has been depressed (receiving user input or user activation), reads the channel corresponding with the switch that has been pressed (selected channel corresponding to the user's activation) (See fig. 8A and col. 13 lines 52-65) and determines whether the selected channel has been trained, wherein during the training

sequence, RF carrier signals associated with codes (fixed or variable) corresponding to switches 44, 46, and 47 respectively are down-converted, sampled, and stored in the memory (See col. 11 lines 15-24, col. 17 line 64 to col. 18 line 9). If the selected channel has been trained, the stored data (ASK data) associated with the selected channel is read from the memory (one of a plurality of stored RF signals is selected based on user input) (See col. 13 lines 62-65) and is up-converted by the VCO 73 of the transceiver (transfer to the transceiver) (See fig. 6A and col. 11 lines 15-24) to the RF carrier signal corresponding to the switch that has been pressed to be transmitted to the receiver of the garage door (transmit an activation signal comprising selected RF signal with variable or fixed code) (See col. 15 lines 23-51).

For these reasons, the rejections are proper and stand for all the pending claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuan Tran

Matthew D. Anderson
SPE - 2618